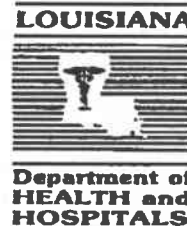




STATE OF LOUISIANA  
DEPARTMENT OF HEALTH AND HOSPITALS



M. J. "Mike" Foster, Jr.  
GOVERNOR

David W. Hood  
SECRETARY

July 23, 2002

Bobby Savoie, Director  
Center of Environmental Health Services  
6867 Bluebonnet Boulevard  
Baton Rouge, LA 70810

Re: Intent of Part XIV, §407.1.1; §407.2; Table 407, Note 20; §409.4.1; §804.1  
and Part XXIII, §3101; §3105.A.3; §3111.B; §3307.B, C, and D

Dear Mr. Savoie,

After meeting with you and your staff on June 7, 2002 to discuss the above referenced sections of the Louisiana State Sanitary Code, and acting in my official capacity as the State Health Officer of Louisiana, I have determined that the intent/application/enforcement of the following Sanitary Code sections shall be as follows:

**Part XIV, §407.1.1 and §409.4.1**

**Restroom Floor Drain** upgrades shall be required when:

1. completely new construction takes place;
2. substantial renovation or fixture additions to the restrooms occur which require the concrete slab to be broken; or
3. a serious health threat to the public exists.

**Other Restroom Plumbing Fixture** upgrades shall be required when:

1. completely new construction takes place;
2. building additions or renovations trigger the need, pursuant to the requirements of Table 407, for additional restroom plumbing fixtures to be installed (*e.g.*, additional usable ft<sup>2</sup> added), even if the occupancy classification itself has not changed;
3. fixture additions or renovations to the restrooms occur which require the concrete slab to be broken;
4. a change of occupancy classification will occur or has occurred; or
5. a serious health threat to the public exists.

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Real Property Ownership Change - Restroom upgrades:

1. are not to be blindly enforced if the OPH has assurances that the prior or existing business held a permit from the OPH and the prospective new business owner agrees, in writing, to operate the business in exactly the same manner as the prior or existing business owner (e.g., parents sell a business to their children who will operate the business in exactly the same manner) and there have been no documented complaints, within the past 5 years, about:
  - a.) a lack of toilet room fixtures;
  - b.) urination in non-restroom fixtures or floor areas within the building;
  - or
  - c.) urination on the outside of the premises or adjoining lots or areas, etc.
2. are required when a serious health threat to the public exists.

**Part XIV, §407.2 and Table 407, Note 20**

Two restrooms are required in facilities with two or more permits when the combined usable floor space is more than that of the more restrictive permit (*i.e.*, a grocery-deli with a combined usable floor space of over 500 square feet would be required to have two restrooms since the deli has the more restrictive usable floor space requirement). The same grocery-deli operation with less than 500 square feet usable floor space would be required to have only one restroom.

Note: The serving of alcohol always requires a minimum of two restrooms.

**Part XIV, §804.1 and Part XXIII, §3105.A.3**

Indirect drains (air gap or air break) are required on all sinks or equipment where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled. A three compartment sink may be directly connected according to §804.1 of Part XIV if none of these food preparation processes mentioned are done in the sinks, (*i.e.*, sink is used for utensil washing purposes only). Part XXIII, §3105.A.3 is being revised to agree with Part XIV, §804.1 (*i.e.*, §3105.A.3 is being amended to eliminate the need for sinks used only for utensil washing to have an indirect drain). When a violation is observed (*i.e.*, food is seen being prepared in a 3 compartment sink without an indirect connection),

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the violation is to be cited and the owner/operator allowed the option to advise us how he/she intends to correct the violation. The options are:

1. provide an indirect drain to the 3 compartment sink if it will continue to be used in food preparation; or
2. provide a separate food preparation sink with an indirect waste drain.

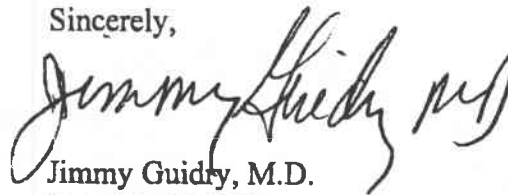
**Part XXIII, §3307.B, C & D**

Dumpster upgrades are required when:

1. completely new construction takes place;
2. for an existing facility, an occupancy classification, change of occupant, change of real property ownership, or substantial renovation occurs and a history of dumpster violations are on file; or
3. a serious health threat to the public exists.

The above mentioned sections of the Louisiana State Sanitary Code are to be applied/enforced according to the intent specified above. Your help in uniformly and consistently enforcing the Sanitary Code is appreciated.

Sincerely,



Jimmy Guidry, M.D.  
State Health Officer

JG/JMG/SGB/jmg

cc: James Antoon, Chief Sanitarian, OPH  
R. Douglas Vincent, Chief Engineer, OPH